Preliminary Amendments to a continuation of application: DE NOVO SYNTHESIZED PLASMID, METHODS OF MAKING AND USE THEREOF

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Art Unit: 1636

a.) Introductory Comments

This is a continuation of application (Application Number: 10/068,664) filed on February 6, 2002. The new claims are being submitted as part of this CPA; these claims are submitted to be patentable over the art of record in the parent cases for the following reasons.

1. All Plasmids claimed in new claim 21 are new plasmids.

2. All Plasmids claimed in new claim 21 are useful. They are used in making other plasmids, DNA vectors, and cell strains. All these resulting products are useful in various biomedical applications.

3. All Plasmids claimed in new claim 21 are not obvious. Each of the claimed plasmid is smaller in size than any plasmid containing same replication origin and selection marker reported in the previous arts. Sequences of unknown or undesirable functions are eliminated from the claimed plasmid. These junk sequences contribute to cellular energy drain and are detrimental to future plasmid usages and applications. Eliminating these junk sequences will allow host cells grow better and more useful sequences to be put in the plasmid. Plasmid all have cloning or size limit. The less junk sequences a plasmid contains, the more useful sequences may be put in the plasmid. In addition to the small size, many other features presented in previous communications indicate that these claimed plasmids are not obvious.

In conclusion, the disclosed plasmids are new, useful and unobvious. It is neither anticipated nor obvious over any prior teaching or any prior arts or combination of them. Therefore the re-written claims are submitted that patentable subject matter is clearly present. If the examiner agrees but does not feel that the present claims are technically adequate, applicant respectfully requests that the examiner write acceptable claims

pursuant to MPEP 707.07(j).